United States District Court
Northern District of California

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7   IN THE UNITED STATES DISTRICT COURT

8   FOR THE NORTHERN DISTRICT OF CALIFORNIA

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12   RAFAEL PEREZ,   Case No.: C 14-0642 JSC (PR)

              Plaintiff.   **ORDER OF TRANSFER**
13

14   v.

15   BRIAN DUFFY; L. DAVIS; S.
      COWDON; B.E. OLSON,
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              Defendants.
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20   Plaintiff, a California prisoner in Tracy, California, filed this civil rights action

21   pursuant to 42 U.S.C. § 1983. He complains about events that occurred when he was

22   incarcerated at the California Medical Facility ("C.M.F.") in Vacaville, California.[1]

23   When, as here, jurisdiction is not founded solely on diversity, venue is proper in the

24   district in which (1) any defendant resides, if all of the defendants reside in the same state, (2)

25   the district in which a substantial part of the events or omissions giving rise to the claim

26   occurred, or a substantial part of property that is the subject of the action is situated, or (3) a

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28   _____
      [1] Plaintiff has consented to the jurisdiction of a United States Magistrate Judge pursuant to 28
      U.S.C. § 636(c). (Dkt. No. 1.)

1   judicial district in which any defendant may be found, if there is no district in which the action

2   may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue,

3   the district court has the discretion either to dismiss the case or transfer it to the proper federal

4   court "in the interest of justice." 28 U.S.C. § 1406(a).

5   　　　Plaintiff's allegations arise out of events occurring at C.M.F., and the defendants are

6   located there. Both C.M.F. and Tracy, where plaintiff is currently located, lie within the

7   venue of the United States District Court for the Eastern District of California.

8   　　　Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this case is

9   TRANSFERRED to the United States District Court for the Eastern District of California

10 　　　The Clerk of the Court shall transfer this matter forthwith.

11 　　　**IT IS SO ORDERED.**

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13 Dated: February 27, 2014

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　　　　　　　　　　　　　　　　　　JACQUELINE SCOTT CORLEY

15 　　　　　　　　　　　　　　　　　　UNITED STATES MAGISTRATE JUDGE

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